EVIDENCE—INSANITY—NON-EXPERT TESTIMONY.—FREEMAN V. STATE, 81 S. W. 953, (Texas.).—*Held*, that in a prosecution for homicide the opinion of a non-expert witness was properly excluded.

In most jurisdictions the opinion of an ordinary witness as to a person's insanity is competent to go to the jury when, as in the present case, the witness has fully stated the facts and circumstances upon which such belief is based. *Charter Oak Life Ins. Co. v. Rodel*, 95 U. S. 232; *Kimberly's Appeal*, 68 Conn. 428; *Title Ins. Co. v. Gray*, 150 Pa. St. 255. But in Maine and Massachusetts such evidence is inadmissible whatever may have been the witness' opportunities for observation, except in the case of a subscribing witness to a will. *Wyman v. Gould*, 47 Me. 159; *McCoy v. Jordan*, 184 Mass. 575. In New York it is held that a non-expert may testify as to the facts and incidents of which he has personal knowledge and may state whether, from these indications, the patient impressed him as being rational or irrational but the witness is not allowed to express an opinion as to the patient's mental capacity. *Paine v. Aldrich*, 133 N. Y. 544; *People v. Strait*, 148 N. Y. 566. In *People v. Borgetto*, 99 Mich. 336, it is held that a witness who is shown to have had reasonable opportunities for judging may testify that he saw nothing to indicate insanity. But a witness cannot be allowed to express an opinion that an individual is insane until he has stated the actions and conduct upon which he founds his belief. *Lamb v. Lippincott*, 115 Mich. 611. The rule laid down in the present case is less liberal than that established by the great weight of authority.

FIXTURES—BUILDING MATERIAL—CONVEYANCE OF LAND AND PARTIALLY CONSTRUCTED BUILDING.—BYRNE V. WERNER, 101 N. W. 555, (MICH.).—*Held*, that cut stone and structural iron belonging to the owner of a lot on which there is a partially completed building, secured by the owner for use in the erection of the building, and lying on the same and adjoining lots at the time of sale, passed by the owner's warranty deed of the lot on which the building stood. Moore, C. J., and Hooker, J., *dissenting*.

It is the prevailing American doctrine that the character of a chattel alleged to be a part of this realty is to be determined by the intention with which annexation is made; *Hackett v Amsden*, 57 Vt. 432; *Gunderson v. Kennedy*, 104 Ill. App. 117; yet when articles have not been actually annexed, but have been brought on or near land with such intention, many authorities still adhere to the English rule which accentuates the mode of annexation as the test. *Turner v. Cameron*, 5 Q. B. 306. Rails lying on the land and intended for a fence were held to be personalty in *Thweat v. Stamps*, 67 Ala. 96; so of lumber intended for a building; *Carkin v. Babbitt*, 58 N. H. 579; and in *Peck v. Batchelder*, 40 Vt. 233, it was held that windows and blinds made to be used in a house, but not actually put in place, were not part of the realty. The opposite view is exemplified in *Hackett v. Amsden*, *supra*, and *McFadden v. Crawford*, 36 W. Va. 671.

JURISDICTION—DECISION BY TRIBUNAL OF BENEFICIAL ASSOCIATION—REVIEW BY COURTS.—DICK V. SUPREME BODY OF INTERNATIONAL CONGRESS, 101 N. W. 564 (MICH.).—A by-law of a beneficial association provided for a hearing, before its supreme tribunal, on all contested death claims, and declared that the decision of such tribunal should be final. *Held*, that an adverse decision of the tribunal, as to liability of a certificate of membership, was not conclusive where, upon a hearing of the claim, evidence was admitted which was